

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COBBLER NEVADA, LLC, Plaintiff,
v.
DOE-68.8.213.203, Defendant. } Case No. 15-CV-2729-GPC (JMA)
} **ORDER DENYING PLAINTIFF'S
SECOND EX PARTE MOTION
FOR LEAVE TO ISSUE A FRCP
45 SUBPOENA AND
SUPPLEMENTAL MOTION
THEREON**

Before the Court is a Second Ex Parte Motion for Leave to Issue a Subpoena pursuant to Fed. R. Civ. P. 45, and a Supplemental Motion thereon, filed by Plaintiff Cobbler Nevada, LLC (“Plaintiff”). (ECF Nos. 10, 11.) The Court hereby **ORDERS** that Plaintiff file supplemental briefing addressing the following:

1. The discrepancy between the document filed at ECF No. 10-3, which reflects Plaintiff's motion picture, *The Cobbler*, was associated with BitTorrent activity at Defendant IP address 68.8.213.203 on thirteen (13) occasions and the document filed as Exhibit 1 to Plaintiff's Complaint (see ECF No. 1-2), which reflects 107 instances of BitTorrent activity involving *The Cobbler* at Defendant IP address.

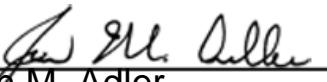
1 2. Whether Plaintiff should be permitted to refer to motion
2 pictures, television programming, and other works not at issue in this
3 lawsuit in its communications with the subscriber of Defendant IP address
4 and/or the alleged infringer of the only copyrighted work at issue in this
5 litigation, *The Cobbler*.

6 3. Plaintiff's supplemental brief, not exceeding five (5) pages, shall
7 be filed by no later than March 11, 2016.

8 Additionally, the Clerk of Court shall terminate the motion docketed at
9 ECF No. 8, which was withdrawn by Plaintiff (see ECF No. 9), and the
10 document filed at ECF No. 9, which was erroneously filed as a motion by
11 Plaintiff.

12 **IT IS SO ORDERED.**

13 DATED: March 3, 2016

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15 Jan M. Adler
U.S. Magistrate Judge

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